

In the United States District Court
For the Western District of Michigan

JAMES HARRISON FOX, SCOTT DAVID PERREAU
= 458647 #722478

FILED - GR
September 12, 2013 11:31 AM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: MKC / SCANNED BY: *mkc 9/12*

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v.

DANIEL HEYNS, DIRECTOR MDOC; et al

(Enter above the full name of the defendant or defendants in this action.)

1:13-cv-1003

Robert Holmes Bell - U.S. District Judge
Joseph G Scoville - U.S. Magistrate Judge

COMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the required \$350 filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$350 filing fee regardless whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes ☐ No ☐

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: _____

II. Place of Present Confinement

RICHARD HANDLON CORRECTIONAL FACILITY (MTU)

If the place of present confinement is not the place you were confined when occurrence that is subject of instant lawsuit arose, also list the place you were confined: _____

III.

Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff

~~SCOTT DAVID PERREAU~~ SCOTT DAVID PERREAU #722478
JAMES HARRISON FOX #458647

Address

1728 West Bluewater Hwy Ionia MI 48846

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1

DANIEL HEYNS

Position or Title

DIRECTOR - MICHIGAN DEPARTMENT OF CORRECTIONS

Place of Employment

MICHIGAN DEPARTMENT OF CORRECTIONS

Address

GRANDVIEW Plaza Build P.O. Box 30003 Lansing, MI 48909

Official and/or personal capacity?

Official and Personal

Name of Defendant #2

WARDEN CATHLEEN STODDARD

Position or Title

WARDEN - RICHARD HANDLON CORRECTIONAL FACILITY

Place of Employment

MICHIGAN DEPARTMENT OF CORRECTIONS

Address

1728 W. Bluewater Hwy Ionia, MI 48846

Official and/or personal capacity?

Official and Personal

Name of Defendant #3

DEPUTY WARDEN SHAWN YOUNG

Position or Title

DEPUTY WARDEN - RICHARD HANDLON CORRECTIONAL FACILITY

Place of Employment

RICHARD HANDLON CORRECTIONAL FACILITY - MICHIGAN Dept of Corrections

Address

1728 West Bluewater Hwy Ionia, MI 48846

Official and/or personal capacity?

Official and Personal

Name of Defendant #4

DAVID LESLIE

Position or Title

Chaplain - RICHARD HANDLON CORRECTIONAL FACILITY

Place of Employment

MICHIGAN DEPARTMENT OF CORRECTIONS - RICHARD HANDLON CORRECTIONAL FACILITY

Address

1728 West Bluewater Hwy

Official and/or personal capacity?

Official and personal

Name of Defendant #5

Position or Title

Place of Employment

Address

Official and/or personal capacity?

IV.

Statement of Claim

State here, as briefly as possible, the facts of your case. Describe how each defendant is personally involved. Include also, the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

1- Plaintiffs denied recognition of Christian Identity faith at the
institutional level, all the way up to the Directors Office.

(A) Christian Identity Faith requires the observance of all Biblical
Holy Days. Passover, Feast of Unleavened Bread, Pentacost, Feast of
Trumpets, Day of Atonement, Feast of Tabernacles, and the Last Great
Day. No other faith group at the Richard Handlon Correctional Facility
or in the Michigan Department of Corrections observes all these Holy
Days in a manner consistent with the beliefs held by the plaintiffs or
other adherents of the Christian Identity Faith.

(B) Christian Identity requires Baptism by full body immersion for the
salvation of ones immortal soul.

(C) Christian Identity adherents must congregate for worship services.

(1) Daniel Heyns, Warden Stoddard, Deputy Warden Young, and Chaplain
Leslie have denied the plaintiffs the practice of sincerely held
religious beliefs.

(2) Director Heyns was sent a Motion for Declaratory ruling pursuant to
M.C.L. 791.1115, to make a decision to allow recognition to Christian
Identity adherents. The Motion was denied May 17th. 2013. Steps one
through three of the Grievance process have been exhausted as well.

V.

Relief

State briefly and precisely what you want the court to do for you.

Plaintiffs request that defendants be ordered to grant department wide
recognition of Christian Identity as a distinctly separate faith group.

Plaintiffs further request that defendants be ordered to recognize the
observance of all Biblical Holy days and Baptism by full body immersion
for all adherents of the Christian Identity faith.

Plaintiffs further request that defendants be ordered to reimburse all
fees and casts of litigation incurred by plaintiffs.

plaintiffs further request that they be housed at the Richard Handlon Corr.
Facility pending resolution of this litigation.

9-7-2013

Date

Jan S. Fox #458647
Signature of Plaintiff
Scott David Penault #722478

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.